

**REMARKS**

This amendment is in response to the Office Action dated February 20, 2009. Because this response is mailed on March 26, 2009, the amendment is timely filed.

**I. Status of the Amendments**

Prior to this amendment, claims 1-10 were pending. By this amendment, claims 1-3 have been amended, claims 4 and 5 have been canceled without prejudice to refile, and claims 11-14 have been added. Consequently, claims 1-3 and 6-14 are presently pending.

Support for the amendments to claim 1 may be found, for example, in claims 4 and 5, now canceled. Support for the new claims 11-14 may be found, for example, at page 2, lines 22-25; page 3, lines 3-11; page 4, line 24 to page 5, line 2; page 5, lines 19-21; page 6, lines 10-16 and Figs. 1-5.

**II. Response to February 20 Office Action**

The specification is objected to for a grammatical error and a typographical error. The errors have been corrected, and the objection should be withdrawn.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Amended claim 1 recites that unloading and feeding occur by leaving the conveyor (25) of the forming table (20) running. Amended claim 1 also recites that the product change includes modifying the shredded tobacco (3) fed to an input hopper (2) from an old first type (3a) to a new second type (3b). Consequently, applicants submit that the rejection has been traversed and should be withdrawn.

Claims 1-10 are also rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gamberini (U.S. Patent No. 3,059,650) in view of an alleged applicant admission. Applicants have amended claim 1, and respectfully disagree.

Amended claim 1 recites a product change method for a cigarette manufacturing machine, wherein the product change includes modifying the shredded tobacco (3) fed to an input hopper (2) from an old first type (3a) to a new second type (3b). The method includes

feeding the first type (3a) of shredded tobacco to the input hopper (2) from a supply header (4), and feeding the first type (3a) of shredded tobacco from the input hopper (2) to at least one channel (17) for forming a bead (19) of tobacco, which is released onto a paper strip (22) traveling along a forming table (20) having a conveyor (25) for forming a continuous cigarette rod (21).

The method also includes cutting off supply of said first type (3a) of tobacco to the input hopper (2), and unloading the first type (3a) of shredded tobacco from the input hopper (2), channel (17) and forming table (20) by activating automatically a deflecting member (28) to deflect a waste stream (30) of shredded tobacco of the first type (3a) into container means (31) arranged at an output end of the forming table (20) and by leaving the conveyor (25) of the forming table (20) running.

The method further includes feeding, when the input hopper (2), channel (17) and forming table (20) are completely empty, the second type (3b) of shredded tobacco through the supply header (4), input hopper (2) and forming table (20) by leaving the conveyor (25) of the forming table (20) running, deflecting the second type (3b) of shredded tobacco into the container means (31) arranged at the end of the forming table (20) by means of the deflecting member (28) until the forming table (20) is completely full, and deactivating automatically the deflecting member (28) when the regular production using the second type (3b) of shredded tobacco is ready to be started.

According to the rejection, Gamberini is silent regarding cutting off the supply of the first type of tobacco, and feeding a second type of tobacco. It is suggested that an alleged applicant admission supplies the missing disclosure, in that product changes are conventionally made by stopping the machine and cleaning it out. However, as noted above, amended claim 1 now recites that the hopper is unloaded and loaded (fed) with a new type of tobacco while the conveyor associated with the forming table is left running. These limitations are contrary to the comments made in the rejection, and contrary to conventional practice that dictates that no manual operation can be performed by the manufacturing machine when at least one part of the manufacturing machine is still running.

Applicants submit that these limitations, along with specific limitations regarding the placement of the deflecting member and the container relative to the forming table, distinguish Gamberini. In regard to those limitations concerning the deflecting member and

the container, it is stated at paragraph 10 of the February 20 Office Action that element 17 of Gamberini allegedly corresponds to the claimed container and the structure at the opposite end of conveyor 16 allegedly corresponds to the claimed deflector. However, conveyor 16 lacks certain limitations regarding the forming table, and thus the structures relied upon cannot correspond to the claimed container and deflector, given the recited relationships between the claimed container, deflector member and forming table.

Accordingly, each and every limitation of amended claim 1 is not present in Gamberini, whether considered independently or in combination with the alleged applicant admission. Thus, independent claim 1 is novel and patentable in view of Gamberini and the alleged applicant admission.

Claims 2, 3 and 6-14 depend from claim 1, and recite additional details of the method. Because claim 1 is novel and patentable relative to the cited references, claims 2, 3 and 6-14 are novel and patentable for at least this reason. However, applicants submit that the details recited in claims 2, 3 and 6-14 may also provide a basis for allowance of the claims.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 20022/41353.

Dated: March 26, 2009

Respectfully submitted,

By \_\_\_\_\_  
Paul C. Craane

Registration No.: 38,851  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant